

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,)
)
)
V.) Cr.A.No. 07-47-SLR
)
)
WILFREDO M. PINKSTON,)
)
)
Defendant.)

MOTION TO SUPPRESS STATEMENT

NOW COMES the defendant, above, by and through counsel, Joe Hurley, who moves to suppress a post-seizure statement made by the defendant, in response to questioning of the authorities, on the basis that:

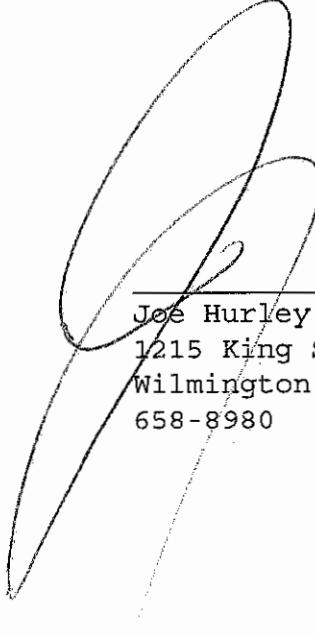
1. The defendant had been apprehended as a result of a foot chase and was clearly in the custody of the authorities when preliminary questioning began.
2. After the defendant responded to an initial question or questions, by providing substantive information, the seizing authorities then advised him of his Miranda rights.
3. The defendant maintains that from the moment he was under the control and direction of the authorities he was entitled to a rendition of Miranda rights before any questioning began.

WHEREFORE, the defendant moves to suppress all statements,

E | L E D including post-Miranda statements as fruit of the poisonous tree,

JUL 25 2007

provided to the authorities at the time of his apprehension/detention/arrest.



Joe Hurley
1215 King Street
Wilmington, DE 19801
658-8980

Dated: July 23, 2007

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Defendant.)

O R D E R

The defendant's Motion to Suppress Statement having been
heard and considered,

ORDERED this _____ day of _____, 2007, A.D.,
that the defendant's Motion is granted.

J.

IN THE UNITED STATES DISTRICT COURT

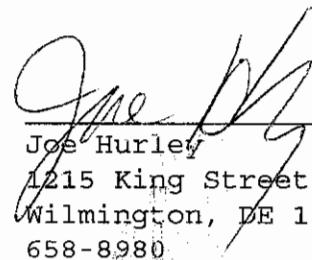
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Defendant.)

CERTIFICATE OF SERVICE

I hereby certify that two copies of the Motion to Suppress Statement were hand delivered to the following person on July 24, 2007:

Martin C. Meltzer, Esquire
U.S. Attorney's Office
Suite 700
1007 North Orange Street
Wilmington, DE 19801


Joe Hurley
1215 King Street
Wilmington, DE 19801
658-8980

Dated: July 23, 2007